

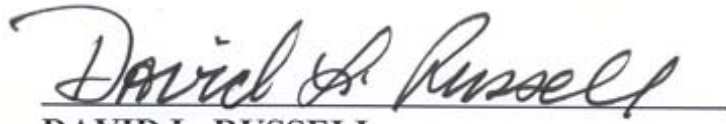
EMILY FAVORS,)
))
Plaintiff,)
))
v.) **Case No. CIV-14-784-R**
))
JOHN M CAMPBELL & CO., and)
PETROSKILLS, INC.,)
Defendants.)

Defendant John M. Campbell & Co., a/k/a/ Petroskills-JMC, LLC., has filed a Motion to Dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure. Therein Defendant contends that Plaintiff has not sufficiently complied with its obligation for service of process, because it failed to timely affect service as required by Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff did not file a response to the motion to dismiss nor did it seek an extension of time in which to respond. Although a summons was issued by the Court on July 23, 2014 to John M. Campbell & Company, there is no indication in the record that the same was served and returned. Defendant asks for dismissal without prejudice.

¹Even assuming the date of the amended complaint should be used, the 120 day period expired on January 27, 2015.

Defendant's Motion to Dismiss is GRANTED.

IT IS SO ORDERED this 20th day of February, 2015.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE